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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,467	12/12/2003	Joseph A. Fader	60130-1901;03MRA0389/90/9	9593

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

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07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10734467
1901;03MRA0389/90/9

12/12/03

FADER ET AL.

60130-

EXAMINER

George D.. Spisich

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20070717

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Commissioner for Patents

Provided is a Supplemental Examiner's Answer which includes Section 11 "Related Proceeding(s) Appendix" which was omitted from the Examiner's Answer mailed June 4, 2007.

George D. Spisich
Patent Examiner
Art Unit 3616



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/734,467
Filing Date: December 12, 2003
Appellant(s): FADER ET AL.

MAILED

JUL 19 2007

GROUP 3600

David L. Wisz, Reg. No. 46,350
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 23, 2007 appealing from the Office action mailed August 3, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

European Patent Application, EP 0 496 949 A1, (Oct. 12, 1991), entire document.

Translation provided.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 496 949 (cited in Applicant's IDS).

EP '949 discloses a stabilizer bar assembly comprising a stabilizer bar (9) and an anti-shift collar (11 and 11a) formed onto/built upon the stabilizer bar. Applicant is informed again that the method of forming, in the instant applicant, thermally forming or application of a molten material, the device, is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight in this rejection. Examiner must only provide the structure present in the final product. The method of making the final product is not given patentable weight in apparatus claims. Applicant has claimed a stabilizer bar with an anti-shift collar.

EP '949 discloses the anti-shift collar comprises an "array" of raised spots or lines, as there are a plurality of raised portions that make up the anti-shift collar that are broadly considered "spots" or "lines". Furthermore, the anti-shift collar includes a raised

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line, which is one of the raised portions, extending about a circumference of the stabilizer bar.

(10) Response to Argument

Response to Appellant's Argument "A": EP '949 is non-analogous art.

Examiner states that EP '949 is a 102(b) reference and therefore an argument that the reference is non-analogous is not appropriate. Any structural limitation in Appellant's claims has been clearly disclosed/shown in EP '949, as the structural element (9) is a stabilizer bar (in a suspension arrangement) as Appellant's. Any method of making the anti-shift collar is not germane to the issue of patentability of the device itself, and therefore Examiner has not given patentable weight to the method of making the stabilizer bar with the anti-shift collar. Examiner points to page 4, lines 14-16 of EP '949 translation, where it is stated that the stabilizer bar is kept in place in such a way that it can rotate, but so that it cannot be shifted in the vehicle's transverse direction (i.e. Anti-shift).

Response to Appellant's Argument "B": EP '949 fails to disclose an anti-shift collar thermally formed *onto* a stabilizer bar.

Examiner restates that the method of forming the device is not germane to the issue of patentability of the device itself. EP '949 shows all the claimed structure of Appellant's claimed invention.

Response to Appellant's Argument with respect to Claim 14:

Appellant argues that EP '949 fails to disclose a solidified material "atop" an outer surface of the stabilizer bar.

Examiner states that the structural "collar" of EP '949 is "atop" the stabilizer bar and clearly a solidified material. Again, Appellant is arguing the method of making the stabilizer bar anti-shift collar onto (by the implied method of "solidifying" a once non-solid material) the stabilizer bar and the method has not been given weight.

Response to Appellant's Argument with respect to Claim 15:

Appellant argues that EP '949 fails to disclose a collar "built up upon" an outer surface of the stabilizer bar.

Examiner restates that the method of making the anti-shift collar is not germane to the issue of patentability of the device itself, and therefore Examiner has not given patentable weight to the method of making the stabilizer bar with the anti-shift collar. EP '949 structurally shows the final state of the device having an anti-shift collar that is built up upon the stabilizer bar simply because it is a raised (array) area.

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Response to Appellant's Argument with respect to Claim 16:

Appellant argues that EP '949 does not meet the limitation of a "localized application of molten material only an outer surface of said stabilizer bar".

Examiner restates that the method of making the anti-shift collar is not germane to the issue of patentability of the device itself, and therefore Examiner has not given patentable weight to the method of making the stabilizer bar with the anti-shift collar.

Response to Appellant's Argument with respect to Claim 17:

Appellant argues that EP '949 fails to disclose an array of raised areas comprise a plurality of discrete areas spaced apart from each other.

Examiner states that the 2 (plurality) raised peaks that define the anti-shift collar are spaced apart and define the array, along with the raised/inclined areas that define each of the peaks of the anti-shift collar.

Response to Appellant's Argument with respect to Claim 18:

Appellant argues that EP '949 does not meet the "locally applied to an outer surface" limitation.

Examiner restates that the method of making the anti-shift collar is not germane to the issue of patentability of the device itself, and therefore Examiner has not given patentable weight to the method of making the stabilizer bar with the anti-shift collar.

Response to Appellant's Argument with respect to Claims 19 and 20:

Appellant argues that EP '949 fails to meet the limitations that the collar is "applied to the outer surface" of the bar.

Examiner restates that the method of making the anti-shift collar is not germane to the issue of patentability of the device itself, and therefore Examiner has not given patentable weight to the method of making the stabilizer bar with the anti-shift collar.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

George D. Spisich 

 5/27/07
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Conferees:

Meredith Petravick, Appeal Specialist 

Paul Dickson, SPE, Art Unit 3616 